

Remarks

Claims 1-8, 14-23, 25-28 and 31-33 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,618,904 issued to Nagy ("Nagy"). Claims 9-13, 24, 29 and 30 were deemed to be allowable if rewritten in independent form. The specification was objected to because of informalities.

In this response, Applicants have amended one paragraph of the specification to correct an informality objected to by the Examiner. In addition, Applicants have amended claim 32 to correct a typographical error. Claims 1-33 remain pending in this application. Reconsideration and withdrawal of the rejections and objections in view of the amendments and following remarks is hereby respectfully requested.

A. Objections to the specification:

The specification was objected to because of informalities. Applicants have amended the paragraph beginning on page 14, line 10, to correct the informalities as suggested by the Examiner.

Applicants respectfully request the withdrawal of the objections to the specification.

B. Rejections under 35 U.S.C. §102(e):

Claims 1-8, 14-23, 25-28 and 31-33 were rejected under 35 U.S.C. 102(e) as being anticipated by Nagy.

Nagy describes a spring loaded vehicle hinge mechanism including a multiple-joint hinge assembly having a first link 18 and a second link 16, each pivotally attached at joints 22, 24, 28, 32) to the side panel 34 and the deck lid 38. A strut cylinder 56 is connected to an upper bracket 14 mounted to the deck lid 38 and a lower bracket 12 mounted to the vehicle body. A torsional coil spring 44 has a central coil 46 and tangentially extending arms 48, 50. Arm 48 engages a lower bracket 12 mounted to the vehicle body at tab 52 and arm 50 engages second link 16 at tab 53, so that the spring 44 biases link 16 in the opening direction.

Independent claim 1 recites a vehicle hinge for coupling a flap to a vehicle body, that includes first and second links, a first spring, "a tensioning device for tensioning the first spring in a second opening phase of the flap, and a locking device for retaining the tensioned first spring." Each of independent claims 20 and 27 also recite a similar "tensioning device" feature,

whereas claim 31 recites a portion of one of the first and second links "coming into contact with said first spring in a second opening phase of the flap and tensioning the first spring back into said tensioned position."

Applicants respectfully submit that Nagy does not describe the feature of a device for tensioning the first spring during a second opening phase of the flap as that feature is recited in each of independent claims 1, 20, 27, and 31. Support for the tensioning device feature, is found in applicants' specification, for example, at page 13, line 23 to page 14, line 6, and page 16, lines 1-15 (e.g. projecting portion 16). The Examiner has cited the pivot pin 22 as the tensioning device without asserting that the Nagy pivot pin 22 acts to tension the coil spring 44 during "a second opening phase of the flap" or during any opening phase of the flap for that matter. On the contrary, Nagy teaches that spring 44 spring biases the hinge toward an opening direction over the entire course of the opening movement. Column 5, lines 17-27. Thus, the Nagy spring is "tensioned" only during the closing movement of the deck lid 38. During the entire opening movement the tension of the Nagy deck lid 38, the tension is released from Nagy coil spring 44, i.e. the spring 44 is unwound or relaxed. At no point during the opening movement is the Nagy spring 44 "tensioned". Therefore, the feature of a tensioning device for tensioning the first spring in a second opening phase of the flap, cannot be found in Nagy.

Accordingly, withdrawal to the rejections under 35 U.S.C. §102(e) is respectfully requested.

C. Allowable Subject Matter :

Applicants gratefully acknowledge that claims 9-13, 24, 29 and 30 were deemed to be allowable if rewritten in independent form, but were objected to as being dependent on a rejected base claim. Applicants respectfully submit that the independent claims from which those claims depend are now in allowable form.


Withdrawal of the objections is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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